

Before the
Federal Communications Commission
Washington, DC

In the matter of:)	
)	
Revitalization of the AM Service)	MB Docket No. 13-249
)	

OPPOSITION TO PROMETHEUS RADIO PROJECTS
MOTION FOR EMERGENCY STAY

REC Networks not only advocates for LPFM but we will take into consideration the interests of rural “mom and pop” broadcast stations including AM broadcast stations, especially those that are Class C and D stations. These small town Class C and D AM stations are more likely to be owned by a local community, small group or minority entity. For that reason and for reasons detailed within, REC opposes the Prometheus Radio Project's (“PRP”) “Request for Emergency Stay”.

The decision of the FCC to extend the fill-in contour requirements provides relief to many community and minority-owned AM stations, especially rural Class C and D AM stations to change from restrictive and expensive directional antennas to less expensive non-directional antennas, especially for non-directional Class C stations in some parts of the country where ground conductivity results in these stations having 2 mV/m contours of far less than 25 miles.

PRP had opportunities to address their opposition to the expansion of the fill-in contour though filing comments in 13-249 we well as opportunity to file a Petition for Reconsideration in the First Report and Order. Therefore, PRP's motion is untimely.

The issue with translators making moves and literally “hugging-up” against the protected service contours of LPFM is a valid concern and LPFM stations have been facing interference because of these closely-situated translators. Even in cases where there is no interference, the polar differences between the prohibited-overlap protection model utilized in the FM translator service and the minimum distance separation model used in LPFM are in direct conflict with efficient management of spectrum. LPFM stations are required to protect FM translators to one of three cookie-cutter methods regardless of the translator's directional antenna and protected contour characteristics controlled by terrain.

We also note that of the FM translator applications already filed in the 2016 “250-mile window”, many of them are in areas where a LPFM station was not impacted. This goes without saying that some of the 250-mile translators have substantially impacted a small number of LPFM stations.

REC feels that there are better ways to address the issue with FM translator interference to LPFM stations:

- The Commission needs to reinforce the fact that §74.1203(a) impacts any broadcast station and even though LPFM was not specifically called-out in this rule because it has not been amended since the creation of LPFM, that established LPFM stations that predict interference from proposed translators to actual listeners within the protected service contour of the LPFM station should be subject to relief from the proposed translator facility.
- The FCC needs to permit LPFM stations a waiver of §73.807(a) for co-channel and first-adjacent channel spacing requirements where it can be shown that through the use of a non-directional or directional antenna (for which a waiver would also be necessary), the LPFM station can show a lack of contour overlap with the translator. REC does note that the LCRA's edict that the Commission can not reduce minimum spacing does not apply to FM translators as they are not considered as “full-service” station as called-out in a separate part of the LCRA.¹
- We also note that FM translators are also required to be “equal in status” to LPFM stations. By not requiring an FM translator to protect a second-adjacent channel LPFM but requiring the opposite puts the current rules in violation of the LCRA. This issue has been addressed in RM-11749, which was proposed by REC in 2015.
- The Commission needs to better enforce a translator's choice of directional antenna to assure that a pattern proposed for a facility is even possible and that once constructed, the antenna was built to specification.

¹ - See Pub L. No. 111-371, 124 Stat. 4072 (2011) (“LCRA”). LCRA Section 3(b)(1) states that the Commission is not to reduce the minimum distance separations between Low Power FM stations and “Full-service” FM stations. Further, LCRA Section 3(a) specifically calls out “Full-service” FM stations as a service separate from FM translators and FM boosters thus suggesting that it was the will of Congress to not consider an FM translator as a “Full-service” FM station thus concluding that the Commission has authority to allow LPFM stations, following accepted engineering practices to grant waivers to LPFM stations short-spaced by subsequent FM translator activity to be able to perform facility moves using a method similar to how translators protect LPFM stations. The original over-protection in 2000 was intended to keep “LPFM” simple and not need the services of engineers but with the explosion of translators which started in 2003, we need to address the need for this extreme over-protection of translators.

REC also feels that LPFM stations should be afforded as much protection possible from FM translator proposals and to put LPFM stations on a more level playing field with FM translators by allowing for LPFM stations to operate at higher effective radiated powers as proposed by REC in RM-11749.

In conclusion,

It is REC's position that PRP's motion is untimely and it unfairly discriminates against AM licensees and FM translator owners carrying AM stations that are nowhere near an LPFM station by location or frequency. Instead, the Commission needs to assure that LPFM stations are aware that they have authority under the translator interference rules to protest a modified or new FM translator facility that has or is predicted to cause actual interference to LPFM stations inside their protected contours. Since the LCRA does not preclude the Commission from reducing the §73.807 minimum spacing to non-"full-service" stations such as FM translators, the Commission needs to permit waivers and allow LPFM stations that are short-spaced to overprotected translators to be able to specify a directional antenna pattern to show a lack of interference in line with translators. The Commission needs to bring RM-11749 to rulemaking which would create spectrum fairness by requiring FM translators to protect LPFM stations on their second adjacent channels as well as provide a power increase to bring the "equal in status" LPFM stations on a more level playing field with their FM translator spectrum-mates. LPFM must share with FM translators and each must share fairly. This emergency stay flies in the face of those who support reaching a point of fair play between the two services.

Respectfully submitted,

/s/

Michelle Bradley

Founder

REC Networks

11541 Riverton Wharf Rd.

Mardela Springs, MD 21837

April 5, 2017